

Release  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF DECEMBER 21, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-173 Fairmont Ins. Co. v. Superior Court, S074581. (E022378; 66 Cal.App.4th 1294.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case concerns whether the statutory cutoff date for discovery 30 days before the “date initially set for trial” is automatically reestablished upon reversal of a judgment. (See Code Civ. Proc., § 2024(a).)

#98-174 People v. Morris, S074006. (E020019.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents an issue, concerning whether counsel alone may stipulate to the fact of a prior conviction that is an element of a crime or whether the defendant must personally join the stipulation after Boykin/Tahl advice and waivers, which is related to an issue before the court in People v. Thomas, S070580 (#98-93), and People v. Newman, S072560 (#98-142).

#98-175 People v. Saab, S074218. (B115128.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning whether a crime victim’s

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insurer is authorized to receive restitution under Penal Code section 1203.4, which is related to an issue before the court in People v. Birkett, S062379. (See #97-135.)

#98-176 Soliz v. Great Western Bank, S074675. (B107881; 66 Cal.App.4th 1482.) Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. This case presents an issue, concerning whether a reduction in force constitutes good clause to terminate an implied employment contract, which is related to an issue before the court in Guz v. Bechtel National, Inc., S062201. (#97-133.)

#98-177 People v. Weiss, S074181. (A078089; 66 Cal.App.4th 772.) Petition for review after the Court of Appeal affirmed an order granting probation in a criminal case. This case is concerned with the method for evaluating the sufficiency of a search warrant affidavit when it is subsequently determined that the affidavit contained illegally obtained information as well as information properly presented to the magistrate.

#98-178 Wilcox v. Birtwhistle, S074519. (F026993; 66 Cal.App.4th 1065.) Petition for review after the Court of Appeal reversed a summary judgment in a civil case. This case concerns whether a party to a civil action, whose failure to respond to a request for admissions has led to a “deemed admitted” order, may have those deemed admissions withdrawn or amended on grounds of mistake, inadvertence, or excusable neglect. (Code. Civ. Proc., § 2033, subds. (k), (m).)

## **DISPOSITIONS**

#97-158 People v. Silva, S063198, was transferred to the Court of Appeal for reconsideration in light of People v. Rodriguez, 17 Cal.4th 253.

#98-87 People v. Pate, S069807, was dismissed and remanded to the Court of Appeal.

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